

**DECISION RECORD
DESATOYA HERD MANAGEMENT AREA GATHER PLAN
PHASE OF THE
DESATOYA MOUNTAINS HABITAT RESILIENCY, HEALTH, AND RESTORATION
PROJECT
CHURHILL AND LANDER COUNTY, NEVADA**

**Environmental Assessment
DOI-BLM-NV-C010-2011-0513-EA
Desatoya Mountains Habitat Resiliency, Health, and Restoration Project**

BACKGROUND

The Bureau of Land Management (BLM) Stillwater Field Office (SFO) plans to implement a wild horse gather within the Desatoya Herd Management Area (HMA) as part of a landscape multi-year habitat restoration and maintenance project that is projected to span over the next 10 years located on public lands in Churchill and Lander County, Nevada. The HMA includes portions of the Clan Alpine, Porter Canyon, and Edwards Creek livestock grazing allotments. Additionally, the HMA overlaps the Desatoya and Reese River sage grouse population management units and the Desatoya Wilderness Study Area. The Desatoya HMA consists of approximately 69% of the estimated 230,000 acres of the Habitat Resiliency, Health, and Restoration Project area. The landscape project area also includes some parcels of private lands.

The Desatoya HMA is situated within the administrative jurisdictions of both the BLM Carson City (CCDO) and Battle Mountain District (BMDO) Offices and is administered by the CCDO through an agreement with the BMDO. The Appropriate Management Level (AML) of 127-180 wild horses for the Desatoya HMA was established through Final Multiple Use Decisions (MUDs) following in-depth analyses of habitat suitability, resource monitoring and population inventory data. Available forage was allocated between wild horses, wildlife and livestock. A direct count aerial survey was conducted in July 2011 and documented 543 horses within the Desatoya HMA and 14 horses outside the Desatoya HMA boundaries. Based on the aerial survey and range monitoring data indicating impacts from an over-population (300%) above the Appropriate Management Level (AML) the BLM has determined that removal of the excess wild horses is necessary to achieve a thriving natural ecological balance.

The Proposed Action is to gather approximately 450-525 wild horses, remove approximately 400 excess wild horses, and release 127 (depending on 70–100% capture efficiency) wild horses back into the Desatoya HMA during the initial helicopter gather. Approximately 51 mares will be treated with the fertility control vaccine PZP-22 (or most current formulation) and the sex ratio will be adjusted to favor males (60%). All mares released back into the HMA will be treated with the fertility control vaccine to maintain Appropriate Management Level (AML). The sex ratio of the released horses will be dependent on the sex ratio of the horses gathered. Approximately 65% or more of all released wild horses will likely be stallions to achieve a 60% sex ratio within the HMA (including horses not captured). It is anticipated that the horses in the Desatoya HMA would be re-gathered every 2 to 3 years over the next 10 years to revaccinate the mares and remove excess horses. Following the initial gather during the late summer (August)

or early fall of 2012, the BLM intends to continue annual bait/water trapping procedures over the next 10 years, removing small numbers of excess horses (20-30). As part of the bait/water trapping activities the BLM will administer the fertility control vaccine, remove excess wild horses, maintaining the AML and desired sex ratio protocol. Over the course of this plan, if fertility control efficiency is low and too many foals are being recruited into the HMA population; additional excess wild horses will be removed; alternatively, if not enough foals are recruited into the population to maintain the AML, fewer mares will be vaccinated and thus allowed to return to higher fertility rates. The probability of long-term infertility using PZP-22 is very low, and many mares retreated even after 3 years will return to normal fertility after the second treatment wears off (Turner, pers. comm.). After the contraceptive wears off, the population will increase at or slightly above the normal growth rate for the HMAs.

Should the proposed bait/water trapping and fertility control treatments prove to be unsuccessful in maintaining population objectives, a follow up helicopter gather would be implemented every two to three years over the next 10 years to maintain AML. All future removals of excess wild horses will be based upon population inventories conducted through aerial or ground surveys. Future gather activities over the next 2-10 years would be implemented in a manner utilizing the same procedures and analysis determined in Environmental Assessment (EA)-DOI-BLM-NV-C010-2011-0513-EA. No other EA or Decision Record (DR) would be required; the same procedures and analysis would continue to be addressed in this initial DR and EA.

All wild horses identified as excess including any weaned foals, yearlings or orphaned foals and any wild horses residing outside the HMA boundaries will be removed and made available for adoption to qualified individuals. Wild horse data including sex and age distribution, condition class information (using the Henneke rating system), color, size and other information may also be recorded. Hair samples may be collected on approximately 25-100 horses to assess the genetic diversity of the herd. Old, sick or lame horses unable to maintain an acceptable body condition greater than or equal to a Henneke Body Condition Score (BCS) of 3 or with serious physical defects such as club feet, severe limb deformities, or sway back would be humanely euthanized as an act of mercy. Decisions to humanely euthanize animals in field situations will be made in conformance with BLM policy (Washington Office Instruction Memorandum 2009-041). Funding limitations and competing priorities may require delaying future and follow-up gathers and population control activities.

The Proposed Action is consistent with the Carson City Consolidated Resource Management Plan (CRMP), facilitates the AML management objectives, and maintains a thriving natural ecological balance and multiple use relationship consistent with other resource needs as required by the Wild Free-Roaming Horse and Burro Act of 1971 (WFRHBA as amended). The Proposed Action decision is a site-specific action located on public lands administered by the BLM CCDO. The gather has been planned with input from the Nevada Department of Wildlife (NDOW), interested public, and users of public lands.

The potential environmental impacts from the Proposed Action, No Action and other Alternatives were evaluated in the DOI-BLM-NV-C010-2011-0513-EA. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts

associated with the Proposed Action were not significant. This is documented in the attached Finding of No Significant Impact (FONSI).

DECISION

Based on the analysis in the Desatoya Mountains Habitat Resiliency, Health, and Restoration Project DOI-BLM-NV-C010-2011-0513-EA, it is my decision to implement the Proposed Action for the Desatoya HMA wild horse gathers, effective immediately pursuant to 43 CFR § 4770.3(c). The current populations of wild horses within the HMA are in excess of the numbers that the range can sustain, as evidenced by the movement of wild horses to areas outside the HMAs and by documented excessive forage use by wild horses.

The Proposed Action will maintain the established AML within the Desatoya HMA while ensuring the continued sustainability of the herd. I have concluded that gathering the 450-525 wild horses, removing approximately 400 excess wild horses, treating an estimated 51 mares (wild horses) with a fertility control vaccine, adjusting the sex ratio to favor males and releasing 127 wild horses back into the Desatoya HMA is necessary to reduce the population growth rate and preserve a thriving and natural ecological balance and multiple-use relationship within the HMA as specified in the CRMP and as directed by the 1971 WFRHBA as amended. All reasonable precautions will be taken to avoid injury to the horses, burros and to ensure the safety of personnel involved in gather operations and the observing general public.

AUTHORITY

The Proposed Action is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs. The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies.

The Proposed Action is in conformance with the 1971 WFRHBA as amended (by the Public Rangelands Improvement Act of 1978), and the applicable implementing regulations at 43 CFR §4700, §4700.0-6 Policy, 43 CFR §4710.3-1-Herd Management Areas, 43 CFR §4710.4-Constraints on Management, 43 CFR §4720.1 - Removal of excess animals from public lands, 43 CFR §4740.1-Use of Motor Vehicles or Aircraft, and 43 CFR §4700.0-6-Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and productive capacity of their habitat, 43 CFR 4770.3(c) – Decisions to remove wild horses or burros from public lands shall be effective upon issuance or on a date established in the decision in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship.

PUBLIC INVOLVMENT

The EA was made available for public review and comment on March 5, 2012. Letters were sent out to individuals, organizations, agencies, two Tribes and the Carson City District Office (CCDO) Wild Horse and Burro Program mailing list. Notification of the availability of the EA was made through the Nevada State Clearinghouse. The Nevada State Office provided news releases to the Tahoe Daily Tribune, Record Courier, San Francisco Chronicle, Mason Valley News, Las Vegas Review Journal, Sacramento Bee, Lahontan Valley News, Nevada Appeal, Reno Gazette Journal, Associated Press, Nevada News, Fox news Reno, KNPB, KRNK, KTVN,

Lotus Radio, Daily Sparks Tribune, and organizations on the Media Reno Area, Media Other NV&CA, Media So NV, Wild Horse Interest and Congressionals group database. The BLM comment period closed on April 4, 2012, although comments received in a timely manner after this date were also considered. The EA was made available by hard copy at the CCDO, and on the website at:

http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html.

Additionally, an email invitation was sent out on May 12, 2012 for a site visit that was conducted to the project area on May 31, 2012 was extended to over 3900 individuals who had submitted comments by email during the public comment period. Three members of the public participated.

Comment letters from the public, organizations and agencies were received by email, fax and mail delivery. All comments were reviewed, considered and responded to. A summary of the consolidated Public Comments and BLM Responses are noted in Appendix H of the Final EA. Several minor changes and clarifications were made to the content of the Final EA.

RATIONALE

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that implementing the Proposed Action will not have a significant impact to the human environment and that an Environmental Impact Statement (EIS) is not required. Refer to the attached Finding of No Significant Impact (FONSI).

The initial gather as well as future gathers are necessary to maintain the established Desatoya AML range and to facilitate fertility control measures. The BLM is required to manage multiple uses in a manner that avoids degradation of the rangelands, maintain a thriving natural ecological balance between wild horses, wildlife, livestock and resolve public health and safety concerns. The Proposed Action will achieve the Wild Horse management objectives identified in the CRMP.

APPROVAL

The Desatoya Wild Horse Gathers are approved for implementation immediately, the initial helicopter gather is approved to begin on or about mid-August 2012 and take approximately fifteen (15) days to complete. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3 9c) because managing wild horses and burros within the AML by promptly removing the excess wild horses and burros is necessary to protect animal health and prevent deterioration of rangeland resources.



Teresa J. Knutson, Manager
Stillwater Field Office
Carson City District Office

7/12/2012
Date

APPEAL PROCEDURES

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Teresa J. Knutson, Stillwater Field Manager
BLM, Carson City District Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.

